

Sulak  
Vick

York

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### Senate Bill 358 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 358, A bill to be entitled "An Act to be known as Article 6203aa, authorizing the Board of Lease of Texas Prison Lands to grant permits for geological surveys or investigations on Prison Lands, providing the means and manner thereof and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 358 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. 358 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Graves	Ramsey
Hazlewood	Shivers
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	York
Mauritz	

Absent—Excused

Chadick	Lemens
Cotten	Martin
Fain	Spears
Formby	Weinert
Kelley	Winfield

#### Adjournment

Seantor Mauritz moved that the Senate adjourn until 10 o'clock a. m., Monday, May 3, 1943.

The motion prevailed; and the Senate, accordingly, at 4:50 o'clock p. m., adjourned until 10 o'clock a. m., Monday, May 3, 1943.

#### SIXTY-SECOND DAY

(Monday, May 3, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 29, 1943, was dispensed with and the Journal was approved.

**Leave of Absence Granted**

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Moore.

**Report of Standing Committee**

Senator Lovelady submitted the following report:

Austin, Texas,  
May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Educational Affairs to whom was referred H. B. No. 443, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, be mimeographed and not otherwise printed.

LOVELADY, Chairman.

**Communication from Honorable  
S. B. Cowell**

Senator Jones submitted the following communication, which was read to the Senate and ordered printed in the Journal:

Whitesboro, Texas,  
April 28, 1943.

Hon. C. R. Jones,  
Austin, Texas,

My dear Senator Jones: Your very kind letter of the 20th instant inclosing copy of nice courtesy resolution, which you introduced in and was adopted by the Texas State Senate, conveying greetings and good wishes on the occasion of my seventy-seventh anniversary, was duly received.

I want to thank you personally and, through you, your colleagues in the Senate for this generous expression of your splendid courtesy. I am also grateful for the complimentary statements relative to my official service in Austin. Please be assured that these beautiful tokens of friendship and good will touch my deepest and sincerest appreciation.

As a former Member of the body, I shall always have a keen interest in the deliberation of the State Senate and any reference thereto immediately arouses in my mind many happy recollections of events and experiences and, particularly, the many good friends which I made during my sojourn at the State Capitol which

even the intervening years can never obscure.

Again thanking you, I am with every good wish and sentiments of high esteem.

Yours very sincerely,  
S. B. COWELL.

**Nomination by Board of Public  
Welfare**

Senator Brownlee submitted at this time the following communication from the State Board of Public Welfare, which was read to the Senate and referred to the Committee on Nominations of the Governor:

**State Department of  
Public Welfare**

Austin, Texas,  
May 3, 1943.

Hon. John Lee Smith, Lieutenant Governor of Texas, State Senate, Austin, Texas.

Dear Sir: We, the undersigned members of the State Board of Public Welfare, hereby submit for confirmation the name of Dudley L. Lewis of Fort Worth, Texas, as the Executive Director of the State Department of Public Welfare.

Respectfully submitted,  
J. M. LEONARD, Chairman;  
THOS. H. TAYLOR, Member.

**Editorial Relating to Strike by  
Coal Miners**

Senator Morris submitted the following editorial which was read to the Senate:

**WHILE YOUNG MEN DIE!**

John L. Lewis and his half-million or so coal miners are perhaps sleeping soundly this morning—with dreams of a \$2-a-day raise in pay throughout the entire miners' organization. They will pass the daylight hours whittling and talking, perhaps, of what they will do with the extra money they will make when the United States Government accedes to their demands (if it does happen). One miners' union official remarked that he didn't give a "hoot" who took over the mines—"our men will not return to work until we are granted what we asked for or John L. Lewis gives the word." You probably have already guessed it—his name does not indicate that he was born in this country. The Stars and Stripes are

floating on the breeze from a great many more flag staffs this morning than it did a few hours ago. But it's not a pretty story. Not a story to give heart and lend morale to the boys who fight in vermin-infested trenches in faraway lands. Fight that these miners may have the right to do the very thing they are doing at this moment. Another miner remarks (and it is said he has a son in the Air Force of his country), that "this is not an unpatriotic move—but we must have enough to exist on." We imagine there have been thousands of American boys during the past 12 months who haven't had enough to eat—no medicine—and airplane protection—and no ammunition. The boys on Corregidor, those who are lucky enough to be still living, are "existing" on weak soup and stale bread—and little of that as they are compelled to bow in servitude to the Yellow-Rat Japs. We wonder if there is a miner in this nation, from the water boy to John L. Lewis himself who has ever eaten weak soup and stale bread—even for a day—let alone for weeks and months and years? And so while young Americans die in foreign lands—boys, most of whom are just at the beginning of their lives—while they fight and suffer and die—a half-million men walk off the job with the cries of these suffering and dying soldiers ringing in their ears. It is almost beyond the conception of the mind of the average person. That any group of men—so large a group of men—could steel their hearts and minds against the need of the boys who fight and die—that the miners might still live in peace and comfort and happiness with their own families and not under a dictator who rules with an iron heel. Japanese newspapers have already started printing editorials of the American miners' action. Here is a quote from the Nippon Times, Japanese Foreign Office organ. Speaking of the strike it says that it is "a direct challenge to the Governmental power in wartime and something that is inconceivable in Japan where everyone is putting his shoulder to the wheel." . . . But the strangest part of all—the thing that the man in the street can't understand, regardless of who is right and who is wrong, is why a half-million

Americans can quit while young Americans die!

On motion of Senator Morris, the editorial was ordered printed in the Journal.

#### House Bill 516 Recommitted

Senator Brownlee moved that H. B. No. 516 be recommitted to the Committee on Insurance.

The motion prevailed by the following vote:

#### Yeas—20

Aikin	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Graves	Stone
Hazlewood	Sulak
Jones	Weinert
Lane	Winfield
Lanning	York

#### Nays—3

Lovelady	Vick
Ramsey	

#### Absent

Beck	Morris
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#### Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

#### House Bill 278 on Final Passage

Senator Moore moved to reconsider the vote by which H. B. No. 278 was passed on Thursday, April 29, 1943.

The motion prevailed.

The President laid the bill before the Senate on its final passage.

Senator Moore offered the following amendment to the bill:

Amend H. B. No. 278 by striking out the Moore amendment adopted on second reading and by inserting after the second sentence in Section 1 the following:

"Before acceptance the Board of Regents shall secure the opinion of the Attorney General on the title to such real property."

And amend the caption by inserting therein the words:

"providing for the opinion of the Attorney General on the title to such property."

The amendment was adopted by the following vote:

## Yeas—25

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The bill was passed.

## House Bill 230 on Second Reading

The President laid before the Senate as a special order for this hour on its second reading and passage to third reading:

H. B. No. 230, A bill to be entitled "An Act to regulate every agency of the State heretofore or hereafter created by the Legislature to carry out the purpose of the Conservation Amendment to the Constitution of Texas, being Section 59, Article XVI; etc.; and declaring an emergency."

The bill was read second time and was passed to third reading.

## House Bill 230 on Third Reading

Senator Lovelady moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 230 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—23

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Moffett
Cotten	Moore
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick

Weinert	York
Winfield	

## Nays—2

Metcalf	Morris
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## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—18

Beck	Martin
Brownlee	Moffett
Bullock	Moore
Chadick	Ramsey
Graves	Stone
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

## Nays—7

Aikin	Metcalf
Cotten	Morris
Hazlewood	Sulak
Mauritz	

## Absent

Shivers

## Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

## Motion to Take up House Bill 247

Senator Aikin moved that the regular order of business be suspended to take up for consideration at this time:

H. B. No. 247, A bill to be entitled "An Act to amend and re-enact Section 5 of the Motor Fuel Tax Law, the same being Article XVII of Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, (to facilitate and speed shipments of motor fuel during the war emergency) provided the Comptroller may authorize the sale or distribution of motor fuel and certain other products, without collecting the tax, to bonded and licensed distributors when said products are purchased for the

purpose of exportation or for further refining, processing, treating, or blending, and requiring the persons selling said products to keep records, make reports, and issue manifests of such sales and requiring the purchasing distributor to pay the tax on any subsequent taxable sale or use of said products; etc.; and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—13

Aikin	Moore
Beck	Ramsey
Bullock	Stone
Jones	Vick
Lovelady	Weinert
Martin	Winfield
Moffett	

Nays—11

Chadick	Mauritz
Cotten	Metcalf
Graves	Morris
Hazlewood	Sulak
Lane	York
Lanning	

Absent

Brownlee

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

#### Committee Substitute Senate Bill 244 on Second Reading

Senator Moffett moved that the regular order of business be suspended to take up for consideration at this time:

C.S.S.B. No. 244, A bill to be entitled "An Act making an appropriation out of any funds in the State Treasury not otherwise appropriated for the use of the Pease River Flood Control District; providing the manner and method for paying out the money hereby appropriated; providing that this appropriation shall be treated as a loan from the State of Texas to the Pease River Flood Control District; providing for the repayment of said loan from the first revenue of the District not already encumbered; and declaring an emergency."

The motion prevailed by the following vote:

Yeas—21

Aikin	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Nays—3

Beck	Stone
Mauritz	

Absent

Brownlee

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Amend S. B. No. 244, page 2, Section 1, by adding the following after the figures "\$1,350.00" in said Section:

"and for the use of the Lower Concho River Water and Soil Conservation Authority the sum of Twelve Hundred (\$1,200.00) Dollars."

Senator Moffett raised a point of order against consideration of the amendment, on the ground that it is not germane to the original purposes of the bill.

The President sustained the point of order.

Senator Weinert moved to table the bill.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17

Aikin	Lovelady
Beck	Martin
Bullock	Mauritz
Cotten	Metcalf
Lane	Moore
Lanning	Morris

Ramsey	Weinert
Stone	Winfield
Sulak	

Nays—7

Brownlee	Jones
Chadick	Moffett
Graves	Vick
Hazlewood	

Absent

York

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
May 3, 1943.

Hon. John Lee Smith, President of  
the Senate.

Sir: I am directed by the House  
to inform the Senate that the House  
has passed the following bills and  
resolutions:

The House has concurred in Sen-  
ate amendments to H. C. R. No. 110  
by a viva voce vote.

The House refused to concur in  
Senate amendments to H. B. No. 692  
and has requested the appointment  
of a Conference Committee to con-  
sider the differences between the two  
Houses, and appointed the following  
conferees: Rampy, Gilmer, Sum-  
mers, Baker, and Chessher.

The House has concurred in Sen-  
ate amendments to H. B. No. 108  
by a vote of 135 yeas, 0 nays.

The House has concurred in Sen-  
ate amendments to H. B. No. 343  
by a vote of 135 yeas, 0 nays.

The House has concurred in Sen-  
ate amendments to H. B. No. 574 by  
a vote of 130 yeas, 0 nays.

The House refused to concur in  
Senate amendments to H. C. R. No.  
42 and has requested the appoint-  
ment of a Conference Committee to  
consider the differences between the  
two Houses. The following conf-  
erees on the part of the House:  
Colson, Kinard, Chambers, Clark,  
and Helpenstill.

The House has concurred in Senate  
amendments to H. B. No. 301 by a  
viva voce vote.

The House has granted the request  
of the Senate for the appointment of  
a Conference Committee on S. B.  
No. 27.

House Conferees: Morse, Humph-  
rey, Senterfitt, Little and Craig.

The House has adopted and passed:  
H. C. R. No. 112, Granting F. C.  
Dale permission to sue the State.

H. C. R. No. 120, Authorizing the  
State Board of Control to execute a  
deed and release on certain land and  
improvements thereon in La Porte,  
Texas.

H. C. R. No. 122, Granting per-  
mission to Mrs. Allie Kelley to sue  
the State of Texas or the State  
Highway Department.

H. C. R. No. 124, Authorizing the  
State Health Officer to accept the  
addition to the laboratory building  
on behalf of the State of Texas.

S. C. R. No. 48, Authorizing Ed  
Davis and his wife, Cora Lee Davis,  
to file suit against the State of  
Texas or the Highway Department  
to recover alleged damages; etc.

S. C. R. No. 50, Authorizing the  
Enrolling Clerk to make certain cor-  
rections in S. B. No. 61.

S. C. R. No. 52, Relative to pur-  
chasing used equipment and supplies;  
etc.

S. B. No. 63, A bill to be entitled  
"An Act authorizing the Game, Fish  
and Oyster Commission of Texas to  
enter into cooperative agreements  
with the United States for the pro-  
tection and management of wildlife  
resources on certain national forest  
lands in Texas situated in the Coun-  
ties of Angelina, Jasper, Nacogdoches,  
San Augustine, Houston, Trinity, Sa-  
bine, Shelby, Montgomery, San Ja-  
cinto and Walker and to restock and  
protect the same; etc.; and declaring  
an emergency."

(With amendment.)

S. B. No. 67, A bill to be entitled  
"An Act to amend Subsection (1) of  
Section 9 of H. B. No. 440, Chapter  
169 of the Regular Session of the  
Forty-fifth Legislature as amended  
by Section 2 of S. B. No. 70, Chapter  
392 of the Regular Session of the  
Forty-seventh Legislature so as to  
annul the exceptions wherein no  
record need be kept by such persons  
of the narcotic drugs so administered,  
dispensed or professionally used; etc.;  
and declaring an emergency."

S. B. No. 81, Relating to tuition and control of funds of state institutions.

S. B. No. 100, A bill to be entitled "An Act amending Article 333 of the Code of Criminal Procedure of the State of Texas of the year 1925 codification so as to permit the appointment of not less than three nor more than five persons to perform the duties of Jury Commissioners; etc.; and declaring an emergency."  
(With amendment.)

S. B. No. 109, A bill to be entitled "An Act providing for commitment of persons of unsound mind to State Institutions and Hospitals; etc.; and declaring an emergency."

S. B. No. 135, A bill to be entitled "An Act providing workmen's compensation insurance for members of the Texas Defense Guard defining certain words and terms; etc.; and declaring an emergency."  
(With amendments.)

S. B. No. 169, A bill to be entitled "An Act to amend Section 21 of Article 695c, of the Revised Civil Statutes of the State of Texas of the year 1925 codification, Chapter 8, under Title 20, being the Public Welfare Act of 1941, also being H. B. No. 611; etc.; and declaring an emergency."

S. B. No. 190, A bill to be entitled "An Act amending Article 2526, Revised Civil Statutes of Texas, 1925, as amended by Acts 1927, Fortieth Legislature, First Called Session, page 161, Chapter 57, and as amended by Acts Forty-fifth Legislature, 1937, page 319, Chapter 164; etc.; and declaring an emergency."

S. B. No. 200, "An Act to be known as the Uniform Stock Transfer Act; providing how title to certificates and shares may be transferred; etc.; and declaring an emergency."

S. B. No. 212, A bill to be entitled "An Act making an appropriation to pay J. L. Stierling, Warrant No. 88470, dated February 7, 1935, on which payment is prohibited by the Statute of Limitation; etc.; and declaring an emergency."

S. B. No. 230, A bill to be entitled "An Act requiring ambulances to be equipped with first aid kits and traction splints; etc.; and declaring an emergency."  
(With amendments.)

S. B. No. 287, A bill to be entitled "An Act extending non-producing oil, gas and mineral leases granted by the State of Texas on University lands where Federal or State restrictions in effect 120 days before the expiration of the primary term prohibit the owner from drilling, completing or using materials in the drilling or completion of a well, repealing all laws in conflict herewith; etc.; and declaring an emergency."

S. B. No. 326, "An Act granting permission to M. C. Parrish & Company, a corporation chartered under the laws of Texas, to bring suits against the State of Texas and the State Board of Control, together with any and all other parties who may be proper or necessary in the prosecution of said suit."

S. B. No. 335, "An Act amending Article 5949, Vernon's Civil Statutes of Texas, 1925, as amended; etc.; and declaring an emergency."

S. B. No. 122, A bill to be entitled "An Act to protect the public health by regulating the sale, distribution or possession of, and to require the enrichment of oleomargarine by the addition of vitamins; etc.; and declaring an emergency."

S. B. No. 218, A bill to be entitled "An Act providing that any person of good moral character who, on May 22, 1937, had been engaged in the practice of architecture, in this State as his or her principal vocation for a period of at least six (6) months prior to said date and who failed to obtain a registration certificate as provided for in Section 7 of Chapter 478, Acts of 1937, Forty-fifth Legislature, may have thirty (30) days from the date upon which this Act goes into effect in which to file with the Board of Architectural Examiners the affidavit and pay the fee of Twenty-five (\$25.00) Dollars in order to obtain a certificate authorizing such person to practice Architecture in the State of Texas, as provided in said Act, and further amending said Act; etc.; and declaring an emergency."

S. B. No. 222, A bill to be entitled "An Act amending Section 1 of H. B. No. 125, Chapter 33, page 85, Acts of the Second Called Session of the Forty-third Legislature, 1934; etc.; and declaring an emergency."

S. B. No. 232, "Relating to cigarette taxes for Army Camps and Unit Exchanges."

S. B. No. 234, A bill to be entitled "An Act to amend Article 2465, Revised Civil Statutes of Texas, 1925, as amended by Acts 1929, Forty-first Legislature, page 4, Chapter 17, Section 1, by Acts 1929, Forty-first Legislature, Second Called Session, page 168, Chapter 185, Section 1, and by Acts 1941, Forty-seventh Legislature, page 1399, Chapter 634, Section 1, so that the Banking Commissioner may adequately examine Credit Unions, providing for the appointment of Credit Union Examiners and the salary and traveling expenses of such Examiners, for the collection of fees therefor and providing for the deposit of said fees with the State Treasurer; etc.; and declaring an emergency."

S. B. No. 235, A bill to be entitled "An Act to amend Article 2484, Revised Civil Statutes of Texas, 1925, as thereafter amended, by Acts of 1929, Forty-first Legislature, Second Called Session, page 165, Chapter 85, Section 1, and by Acts 1937, Forty-fifth Legislature, page 217, Chapter 117, Section 1, and by Acts 1939, Forty-sixth Legislature, page 221, Section 4, so that Banking Commissioner may, for good cause shown, extend time of filing of reports by Credit Unions for a period of not more than sixty days; etc.; and declaring an emergency."

S. B. No. 239, A bill to be entitled "An Act to encourage prison discipline; etc.; and declaring an emergency."

S. B. No. 254, A bill to be entitled "An Act to amend Article 1735, Revised Civil Statutes of Texas, 1925, giving the Supreme Court authority or jurisdiction to issue the writ of mandamus or any other mandatory or compulsory writ or process against the Board of County and District Road Indebtedness; etc.; and declaring and emergency."

S. B. No. 262, A bill to be entitled "An Act authorizing the creation of the Office of County Purchasing Agent in all counties of this State of more than one hundred forty thousand (140,000) and less than two hundred twenty thousand (220,000) inhabitants according to the last preceding or any future Federal Census, providing for the appointment of

such; etc.; and declaring an emergency."

S. B. No. 267, A bill to be entitled "An Act to amend Article 119 of the Code of Criminal Procedure of Texas, 1925 Revision, relating to habeas corpus after indictment and after conviction; and declaring an emergency."

S. B. No. 270, A bill to be entitled "An Act authorizing guardians, executors, and administrators of any estate or guardianship to apply to the Probate Court for permission to sell and convey easements and rights-of-way to any person, corporation, or political entity, or instrumentality authorized to exercise the power of eminent domain for the purposes for which its power of eminent domain is applicable; etc.; and declaring an emergency."

S. B. No. 278, A bill to be entitled "An Act to clarify and amend the laws of Texas relating to dentistry by amending Articles 4544, 4546, 4550a, 4551a, of the Revised Civil Statutes of Texas, 1925, as added or amended by Sections 2, 4, 8, and 10, of Chapter 244, General and Special Laws of the Regular Session of the Forty-fourth Legislature of Texas; amending Articles 753, 754 and 754a of the Penal Code of Texas, 1925, as added or amended by Sections 17 and 18 of Chapter 244 of the General and Special Laws of the Regular Session of the Forty-fourth Legislature; etc.; and declaring an emergency." (With amendments.)

S. B. No. 280, A bill to be entitled "An Act to provide that insurance companies and associations operating under S. B. No. 135, Acts of the Regular Session of the Forty-sixth Legislature may pay from the mortuary funds any taxes assessed against them because of income to such funds; repealing all laws and parts of laws in conflict herewith; etc.; and declaring an emergency."

S. B. No. 281, A bill to be entitled "An Act providing that it is unlawful for any person, firm, corporation or association of persons, to reproduce, print or prepare or to sell or furnish any printed, multigraphed; etc.; and declaring an emergency." (With amendments.)

S. B. No. 285, A bill to be entitled "An Act to amend Subdivision 6 of Article 199, Title 8 of the Revised Civil Statutes of Texas of 1925, the



same fixing the time and prescribing the number of terms of District Court in and for the Sixth Judicial District of Texas, and further providing that the Judge of the Sixth Judicial District shall convene a grand jury in Fannin County at only two terms of said court in each year, unless in his judgment it be necessary for a grand jury at other terms, and repealing all laws in conflict herewith; etc.; and declaring an emergency."

S. B. No. 286, A bill to be entitled "An Act to amend H. B. No. 73, An Act passed by the First Called Session of the Thirty-third Legislature of the State of Texas to create a more effective road system for Galveston County, Texas, making county commissioners of said county ex-officio precinct road commissioners and prescribing their duties as such, etc., by adding Section 2a providing for additional duties of the county commissioners and by adding Section 2b providing for the payment of traveling expenses to the county commissioners, for the use of their private automobiles, when incurred only in the performance of their duties pertaining to the maintenance of the public road and highways of said county; etc.; and declaring an emergency."

S. B. No. 293, A bill to be entitled "An Act amending Articles 4802, 4808, 4809, 4811, 4816, and 4817, and repealing Article 4813, of the Revised Civil Statutes of Texas, 1925; etc.; and declaring an emergency."

S. B. No. 308, A bill to be entitled "An Act providing school districts may remain independent districts regardless of scholastic enrollment; etc.; and declaring an emergency."

S. B. No. 319, A bill to be entitled "An Act authorizing the allowance of traveling expenses not to exceed Twenty-five (\$25) Dollars per month for each county commissioner in counties having a population of not less than twenty-four thousand, nine hundred and twenty (24,920) and not more than twenty-five thousand, two hundred, according to the last preceding or any future Federal Census and having a tax valuation of not less than Thirteen Million (\$13,000,000) Dollars nor more than Twenty Million (\$20,000,000) Dollars; etc.; and declaring an emergency."  
(With amendments.)

S. B. No. 327, "An Act to amend Article 1549 of the Penal Code of Texas, Revision of 1925, so to permit the State to elect which offense a party shall be prosecuted for when the act or transaction upon which the prosecution is predicated constitutes both swindling and some other offense."

S. B. No. 343, "An Act authorizing the State Highway Department of Texas to enter into agreements with the Public Roads Administration of the United States for the construction and maintenance of flight strips and of certain classes of roads in order to facilitate the war effort; etc.; and declaring an emergency."

S. B. No. 344, A bill to be entitled "An Act repealing H. B. No. 462, Regular Session, Forty-fifth Legislature, which prohibits the sale of the pelts of wild fox taken in Bosque County; etc.; and declaring an emergency."

S. B. No. 347, A bill to be entitled "An Act to amend Article 7005 of the Revised Civil Statutes of the State of Texas of the year 1925 codification, as amended by the Acts of the Forty-fifth Legislature, adding the County of Potter to the exempted list of counties named in such Article; etc.; and declaring an emergency."

S. B. No. 348, A bill to be entitled "An Act authorizing the State Highway Commission to designate any county road as a farm-to-market road for construction, reconstruction, and maintenance only; etc.; and declaring an emergency."

S. B. No. 350, A bill to be entitled "An Act providing that in all incorporated cities and towns containing more than two hundred ninety-three thousand (293,000) inhabitants according to the last preceding or any future Federal Census, the governing body shall have power to lay out, acquire and/or construct any section or portion of any street within its jurisdiction as a freeway under certain circumstances; etc.; and declaring an emergency."

(With amendments.)

S. B. No. 353, A bill to be entitled "An Act to permit the title of certain lands sold by the State of Texas before 1920 to be cleared; etc.; and declaring an emergency."

Respectfully submitted,  
CLARENCE JONES,  
Chief Clerk, House of Representatives.

### Reference of House Concurrent Resolutions

The following resolutions, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated.

H. C. R. No. 120, to Committee on State Affairs.

H. C. R. No. 122, to Committee on State Affairs.

H. C. R. No. 112, to Committee on State Affairs.

H. C. R. No. 124, to Committee on State Affairs.

### Conference Committee on House Bill 692

Senator Metcalfe called up from the President's table, for consideration at this time, the request of the House for a conference committee on H. B. No. 692.

Senator Metcalfe moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Metcalfe, Jones, Hazlewood, Lanning, and Mauritz.

### Senate Bill 63 with House Amendments

Senator Ramsey called S. B. No. 63 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Ramsey moved that the Senate concur in the House amendments.

The motion prevailed.

### Conference Committee on Senate Bill 230

Senator Morris called S. B. No. 230 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Morris moved that the Senate do not concur in the House amendments and that a Conference

Committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Morris, Moore, Shivers, Lovelady, and Bullock.

### Senate Bill 323 on Second Reading

Senator Cotten moved that the regular order of business be suspended to take up for consideration at this time:

S. B. No. 323, A bill to be entitled "An Act authorizing the State Board of Control to purchase real property and improvements from any person, firm, or corporation having such property for sale at a cost of not to exceed \$200,000.00 for such real property, improvements, and equipment; directing the examination and approval of title by the Attorney General; directing an appraisal of any such property prior to purchase by a competent engineer and architect; directing the use of such institutions for the feeble-minded; repealing that portion of Item 38, page 944, Chapter 567, S. B. No. 402, Acts of the Forty-seventh Legislature, appropriating \$60,000.00 for the construction of a ward building and the payment of equipment therefor at the Austin State School Farm Colony. Also Item 76, page 948 of Chapter 567, S. B. No. 402, Acts of the Forty-seventh Legislature, appropriating \$60,000.00 for an addition to the convalescent building at the Austin State Hospital; repealing that part of Item 63, page 950, Chapter 567, S. B. No. 402, Acts of the Forty-seventh Legislature, appropriating \$130,000.00 for the construction of ward buildings and the procurement of equipment at the Big Spring State Hospital, and Item 77, page 959, Chapter 567, S. B. No. 402, Acts of the Forty-seventh Legislature, appropriating \$400,000.00 for replacing old main building at the Terrell State Hospital; providing the institution will contemplate the housing of not more than 350 feeble-minded patients; etc.; and declaring an emergency."

The motion prevailed by the following vote:

## Yeas—22

Aikin	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lovelady	Winfield
Martin	York

## Nays—2

Lanning	Weinert
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## Absent

Beck

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Mauritz offered the following amendment to the bill:

Amend the bill so that the appropriation of "not to exceed \$200,000" be reduced to read "not to exceed \$125,000."

The amendment was adopted.

The bill was passed to engrossment.

**Senate Bill 323 on Third Reading**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 323 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—25

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Stone
Lane	Sulak
Lanning	Vick

Weinert
Winfield

York

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Bills and Resolutions Signed**

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

H. B. No. 87, A bill to be entitled "An Act repealing S. B. No. 123, Acts of the Forty-sixth Legislature, Regular Session and Chapter 100, Acts of the Forty-third Legislature, First Called Session as to certain lands; and declaring an emergency."

H. B. No. 320, A bill to be entitled "An Act to amend Article 7064, Revised Civil Statutes of Texas, 1925, as amended; and declaring an emergency."

H. B. No. 655, A bill to be entitled "An Act relating to marks and brands in Ochiltree County only; amending Article 6899 of the Revised Civil Statutes of Texas, etc.; and declaring an emergency."

H. B. No. 301, A bill to be entitled "An Act amending Article 3112, Title 50, Chapter 13, Revised Civil Statutes of Texas, 1925, so as to fix the final filing date of all those running for State offices, on the first Monday in June preceding the general primary; etc.; and declaring an emergency."

H. B. No. 654, A bill to be entitled "An Act applying to that portion of the State of Texas inundated by a dam on the Red River near Denison, Texas, and including lands purchased by the Federal Government for the operation of a reservoir on the Red River; etc.; and declaring an emergency."

H. B. No. 697, A bill to be entitled "An Act amending Subsection 13 of Article 199, Title 8, Revised Civil Statutes of Texas, 1925, changing the length of the July term of court of

the 13th Judicial District; and declaring an emergency."

H. C. R. No. 126, Providing for the suspension of certain joint rules.

H. B. No. 639, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Court in the 108th Judicial District; etc.; and declaring an emergency."

H. B. No. 187, A bill to be entitled "An Act providing all blind persons with 'Seeing-Eye' dogs shall be permitted on all common carriers for passengers in the State of Texas and providing there shall be no additional fare for such 'Seeing-Eye' dogs; etc.; and declaring an emergency."

H. B. No. 640, A bill to be entitled "An Act to change and prescribe the time for holding the terms of District Courts in the Forty-seventh Judicial District; validating and continuing all processes issued or served before this Act takes effect and made returnable to the next term of said court, including recognizances and bonds, and making them returnable to the next term of court in the counties of said district as herein fixed; validating the summoning of grand and petit jurors under this Act; etc.; and declaring an emergency."

H. B. No. 664, A bill to be entitled "An Act amending Section 1 of S. B. No. 441, Regular Session, Forty-seventh Legislature, so as to apply to Burleson, Fayette, Lee, Washington, and Calhoun Counties; etc.; and declaring an emergency."

H. B. No. 281, A bill to be entitled "An Act amending H. B. No. 82, Acts of 1937, Forty-fifth Legislature, First Called Session, Chapter 47, page 1929, prohibiting the transportation of minnows of any and all species out of the counties wherein such minnows are caught, seined, or taken; etc.; and declaring an emergency."

S. B. No. 155, A bill to be entitled "An Act to amend Subdivision 23 of Article 1995 of the Revised Civil Statutes of the State of Texas, 1925, so that the same shall provide that the venue of suits against a private corporation, association or joint stock company, shall be in the county where such corporation, association or joint stock company has its principal office, or in any county in which the cause of action or a part

thereof arose; and further providing that the venue of suits against a railroad corporation or against any assignee, trustee or receiver operating its railway shall be in any county through or into which the railroad of such corporation extends or is operated; and further providing that suits against receivers of persons and corporations may also be brought as otherwise provided by law; and declaring an emergency."

S. B. No. 250, A bill to be entitled "An Act authorizing the State Department of Public Welfare to turn over certain records of the Texas Relief Commission, for the years 1932 to September 1, 1939, and all duplicate Old Age Assistance records accumulated for the year 1936 through October, 1938, to the Board of Control and giving said Board of Control authority and requiring it to sell same for salvage or any commercial purpose or otherwise dispose of said records or cause the same to be destroyed; and declaring an emergency."

H. B. No. 317, A bill to be entitled "An Act to amend Section 3 of S. B. No. 41, Acts of the Regular Session of the Forty-second Legislature, providing for certain provisions to be inserted in group life insurance policies; etc.; and declaring an emergency."

H. B. No. 321, A bill to be entitled "An Act amending Article 2940 of the Revised Civil Statutes of Texas, 1925, as amended by S. B. No. 425, Acts of the Regular Session of the Forty-sixth Legislature; etc.; and declaring an emergency."

H. B. No. 698, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be during the months of March and April; etc.; and declaring an emergency."

H. C. R. No. 110, Petitioning the Congress and the President to heed advice of commanding officers of the United States Armed Forces.

H. C. R. No. 109, Relating to claim of the State of Oklahoma for reimbursement for loss sustained on account of exemptions of Indian lands, oil and gas produced from such lands and also the income therefrom, from State taxation.

H. B. No. 603, A bill to be entitled "An Act providing that in and for

Fayette County, Texas there shall be imposed upon all male persons who do not reside in an incorporated city, town, or village the duties of working five (5) days of eight (8) hours efficient service on public roads each year, or the payment on or before May 1st of each year the sum of Three (\$3) Dollars; etc.; and declaring an emergency."

#### Senate Bill 366 on First Reading

Senator Stone moved that the rule prescribing limitations relative to the introduction of bills after the first 60 calendar days of the session be suspended, to permit the introduction of a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Stone:

S. B. No. 366, A bill to be entitled "An Act making an emergency appropriation not to exceed Sixty Thousand (\$60,000.00) Dollars to the John Sealy Hospital (a unit of the Medical Branch of The University of Texas) for the general operation thereof, including maintenance, support and salaries of employees for the remainder of the present fiscal year ending August 31, 1943, out of any unexpended balances remaining in any funds or monies appropriated to the Medical Branch of The University of Texas for the present fiscal year beginning September 1, 1942, and ending August 31, 1943, by the General

Appropriation Bill for educational institutions of higher learning, being Chapter 568, Acts, Regular Session, Forty-seventh Legislature, and authorizing the transfer of said funds, or so much thereof as may be necessary, and declaring an emergency."

To Committee on Finance.

#### Senate Bill 135 with House Amendments

Senator Moore called S. B. No. 135 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

The Senate concurred in the House amendments by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

#### House Bill 523 on Second Reading

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 523, A bill to be entitled "An Act authorizing the conveyance by the State Board of Control of the State of Texas of certain land for the purpose of constructing blast furnaces, iron foundries and any and all other improvements for the purpose of developing the iron ore deposits in the vicinity of Rusk in Cherokee County, Texas etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

### House Bill 523 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 523 be placed on its third reading and final passage..

The motion prevailed by the following vote:

#### Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

#### Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

#### Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

### Conference Committee on House Bill 5

Senator Jones called up from the President's table, for consideration at this time, the request of the House for a conference committee on H. B. No. 5.

Senator Jones moved that the request of the House be granted.

The motion prevailed.

Accordingly, the President appointed the following conferees on the bill on the part of the Senate:

Senators Aikin, Vick, Jones, Moffett, and Morris.

(Senator Vick in the Chair.)

### Senate Bill 146 on Second Reading

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 146, A bill to be entitled "An Act to amend Section 3, Acts 1931, Forty-second Legislature, page 783, Chapter 314, providing for the annual payment from the income of any utility operated by any city or town, including Home Rule Cities, of moneys in lieu of school taxes to any school district situated in any such city or town; imposing upon the governing body of any such city or town, including Home Rule Cities, the duty of providing from the incomes of such utilities, whether purchased outright or through the issuance of revenue or other bonds of such city or town, for the payment annually of an amount equivalent to the annual school tax upon the properties of such utility or utilities were such utility or utilities privately owned; providing for mutual agreement as to amount of such annual payment between the board of trustees of such school district and the governing body of such city, and fixing the amount of such payment in absence of such agreement; providing that the provisions of this amendment shall operate prospectively only; repealing all laws in conflict herewith, to the extent of any such conflict; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Winfield offered the following amendments to the bill:

(1)

Amend S. B. No. 146 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. Whenever any city or town, including home rule cities, is situated wholly or partially in a school district, or in which there is situated wholly or partially a school district, after the effective date of this law, shall acquire a public utility or utilities then existing, and finances the purchase thereof through the issuance of revenue bonds, and such public utility property, within its territorial limits is at the time subject to taxation for the benefit of any school district, the governing body of any such city or town in issuing revenue bonds for the purchase price thereof, may expressly provide in any indenture of trust, mortgage or other lien instrument evidencing the obligation of such city or town in respect of the purchase price of such utility or utilities, for the payment annually from the income of such utility or utilities a sum in amount equivalent to the average annual taxes assessed in behalf of such school district upon the properties of such utility or utilities for the five years immediately preceding the year in which such utility or utilities shall be acquired by such city or town; provided, however, that by mutual agreement of the board of trustees of such school district and the governing body of such city or town, provision may be made for the payment annually of a sum in lieu of school taxes as shall be deemed adequate and just under all the circumstances of the case, due consideration being given to the needs of such school district. The obligation thus assumed by any such city or town, including home rule cities, to make such payment to a school district in lieu of ad valorem property school taxes shall constitute a proper item of operating expense, which together with other operating expenses shall always be a first lien and charge against the income of such encumbered utility or utilities.

"Sec. 2. The obligation of any such city or town to pay any such school district moneys in lieu of taxes

as provided in the encumbrance agreement shall be and constitute an 'expense or obligation' of such system or systems as such terms are used in statutes authorizing the acquisition of such public utilities and the issuance of revenue bonds for the purchase thereof, and such obligations shall extend to and bind any and all cities or towns including home rule cities, purchasing or otherwise acquiring any such then existing public utility or utilities, in accordance with the provisions of such encumbrance agreements or mutual agreements as authorized in Section 1 of this Act.

"Sec. 3. The obligation of any such city or town, including home rule cities, as fixed in such indenture or encumbrance, shall not be impaired or affected, modified or released, by the release or discharge of such encumbrance, and such city or town, including home rule cities, shall continue while such city or town shall own and operate any such public utility to pay to any such school district annually from the revenues thereof such amount as a sum in amount equivalent to the average annual taxes assessed in behalf of such school district upon the properties of such utility or utilities for the five years immediately preceding the year in which such utility or utilities shall be acquired by such city or town, including home rule cities; provided, however, that from and after the date of release or discharge of such encumbrances the board of trustees of any such school district and the governing body of such city or town may by mutual agreement from time to time provide for the payment annually from the revenues of such utility or utilities owned and operated by such city or town of such sum or sums in lieu of school taxes as shall be deemed adequate and just under the circumstances of the case, due consideration being given to the needs of such school district.

"Sec. 4. This Act shall apply solely to purchases or acquisitions, subsequent to the effective date hereof, of then existing public utilities made by any city or town of this State, including home rule cities, and shall not apply to or in any wise affect any purchase or acquisition of a public utility or utilities of whatsoever character acquired by any such

city or town prior to the effective date of this Act. Cities and towns, including home rule cities, shall be authorized to operate under the provisions of this Act in acquiring existing public utilities under any and all laws of the State permitting the acquisition of existing public utilities through the issuance of revenue bonds, including Articles 1111 to 1113, inclusive, of the 1925 Revised Civil Statutes of the State of Texas and amendments thereto, and including Chapter 314, Acts of the Regular Session of the Forty-second Legislature and amendments thereto.

"Sec. 5. All laws or parts of laws in conflict herewith shall to the extent of any such conflict stand repealed from and after the effective date hereof.

"Sec. 6. The fact that some cities and towns of the State are now seriously considering the purchase of existing public utility plants and systems, and the further fact that such purchases may seriously impair the tax revenues of such school districts within such cities or towns, unless authority for payment of moneys in lieu of school taxes be made, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring all bills to be read on three several days be suspended, and such rule is hereby suspended, and this Act shall be in full force and effect from and after its passage, and it is so enacted."

(2)

Amend S. B. No. 146 by striking out the caption and inserting in lieu thereof the following:

"A BILL  
"To Be Entitled

"An Act to authorize the annual payment from the income of any then existing public utility acquired by any city or town, including home rule cities, of moneys in lieu of school taxes to any school district in which such city is wholly or partially situated, or which is situated wholly or partially in any such city or town, when purchased through the issuance of revenue bonds and provision therefor is made in the encumbrance agreement; providing for mutual agreements as to the amount of such annual payments between the govern-

ing body of such city or town and the board of trustees of such school districts; providing that the provision of this amendment shall operate prospectively only; repealing all laws in conflict herewith, to the extent of any conflict; and declaring an emergency."

The amendments were adopted severally.

The bill was passed to engrossment.

**Senate Bill 146 on Third Reading**

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 146 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—22

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Winfield
Lanning	York



## Nays—1

Lovelady

Absent

Morris

Weinert

Absent—Excused

Fain

Lemens

Formby

Shivers

Kelley

Spears

**Senate Bill 299 on Final Passage**

Senator Martin moved to reconsider the vote by which S. B. No. 299 was passed on April 29, 1943.

The motion prevailed.

The Presiding Officer laid the bill before the Senate on its final passage.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 299 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That Article 5017 of the Revised Civil Statutes of Texas, 1925, as continued or amended by Acts of 1929, Forty-first Legislature, First Called Session, p. 32, Chapter 11, Section 1, be and the same is hereby amended so that hereafter it shall read as follows:

"Article 5017. Assets. No attorney shall be licensed for the underwriters at a Lloyds under this Chapter unless the net assets contributed to the attorney, a company of underwriters, trustees, or other officers as provided for in the articles of agreement, shall be at least sixty thousand dollars in cash or securities that are eligible for investment of the capital stock of stock insurance companies transacting the same sort of business; nor shall any attorney be licensed for any underwriters at a Lloyds to transact more than one kind of business as defined in Article 5015 of this Chapter, unless the net assets, as they are herein defined, belonging to such underwriters at Lloyds, shall be as much as ten thousand dollars additional for each additional kind of insurance designated in the application for license; and such additional amounts to be invested, if at all, in like securities as required for the minimum sum mentioned."

"Sec. 2. If any section or portion of section of this Act shall for any

reason be declared invalid by a court of competent jurisdiction such adjudication shall not affect the validity of any other section or portion of this Act.

"Sec. 3. The importance of this legislation and the immediate and urgent need of the reforms to be effected hereby create an emergency and an imperative public necessity demanding the suspension of the Constitutional rule requiring bills to be read on three several days in each House, and the Constitutional rule requiring bills to take effect or go into force ninety days after the adjournment of the session be, and the same are, hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted unanimously.

The bill was passed.

**Senate Bill 300 on Final Passage**

Senator Martin moved to reconsider the vote by which S. B. No. 300 was passed on April 29, 1943.

The motion prevailed.

The Presiding Officer laid the bill before the Senate on its final passage.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 300 by striking out all below the enacting clause and substituting in lieu thereof the following:

"Section 1. That Article 5017d of the Revised Civil Statutes of Texas, 1925, as added to Chapter 19 of Title 78 of such Statutes by the Acts of 1929, Forty-first Legislature, First Called Session, p. 32, Ch. 11, Sec. 1, be and the same is hereby amended so that hereafter such amended Article 5017d shall read as follows:

"5017d. Investments. The assets of underwriters at a Lloyds to the extent of the minimum required under the provisions of Article 5017, as amended, of this Chapter shall be cash or shall be invested in such securities as are eligible for investment of the capital stock of stock insurance companies transacting the same sort of business, and the other assets of underwriters shall be invested, if at all, in such property or securities as the funds of a stock insurance company doing the same sort of business

may be invested in, except real estate, and except that only the surplus of a Lloyds may be invested in the securities eligible for investment of surplus of such similar stock insurance company.

"Provided, however, that no Lloyd's already organized and doing business under license from the Board of Insurance Commissioners of this State shall be required to conform to this Article as hereby amended except as to securities hereafter acquired, whether in substitution for securities now held or from additional, successor, or substituted underwriters."

"Sec. 2. If any section or portion of section of this Act shall for any reason be declared invalid by a court of competent jurisdiction such adjudication shall not affect the validity of any other section or portion of section of this Act.

"Sec. 3. The importance of this legislation and the immediate and urgent need of the reforms to be effected hereby create an emergency and imperative public necessity demanding the suspension of the Constitutional rule requiring bills to be read on three several days in each House, and the Constitutional rule requiring bills to take effect or go into force ninety days after the adjournment of the session be, and the same are, hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was adopted unanimously.

The bill was passed.

#### **Senate Bill 366 Ordered Mimeographed**

On motion of Senator Stone, S. B. No. 366 was ordered mimeographed.

#### **Recess**

On motion of Senator Aikin, the Senate, at 12:10 o'clock p. m., took recess to 2:30 o'clock p. m. today.

#### **Afternoon Session**

The Senate met at 2:30 o'clock p.m. and was called to order by the President.

#### **Senate Bill 214 on Second Reading**

On motion of Senator Beck, and by unanimous consent, the regular order

of business was suspended to take up for consideration at this time:

S. B. No. 214, A bill to be entitled "An Act to provide for the exemption from Title 78 of the Revised Civil Statutes of 1925, and amendments thereto, corporations or unincorporated associations organized for the purpose of supporting charitable, benevolent, educational, or missionary undertakings financed in whole or in part by the United States of America; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### **Senate Bill 214 on Third Reading**

Senator Beck moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 214 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Graves	Ramsey
Hazlewood	Stone
Jones	Vick
Lane	Weinert
Lovelady	Winfield

Absent

Lanning	York
Sulak	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

#### **Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has passed the following bills and resolutions:

H. B. No. 68, A bill to be entitled "An Act to assure full and equal accommodations, rights and privileges to all persons of the Caucasian Race in all public places of business or amusement in Texas; etc.; and declaring an emergency."

H. B. No. 111, A bill to be entitled "An Act to amend Article 2350, Title 44, Revised Civil Statutes of the State of Texas, 1925, as amended by the Acts of the 39th Legislature, Regular Session, Chapter 135, Section 1; etc.; and declaring an emergency."

H. B. No. 141, A bill to be entitled "An Act amending Article 5326 of the Revised Civil Statutes of Texas as amended by House Bill No. 56, Chapter 191, Page 351, Acts of the Regular Session, Forty-seventh Legislature of the State of Texas, 1941, providing for the conditions of payment for state lands in the event of the death of any purchaser of school land, and declaring an emergency."

H. B. No. 199, A bill to be entitled "An Act making appropriation of certain sums of money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to a certain independent school district; etc.; and declaring an emergency."

H. B. No. 209, A bill to be entitled "An Act to amend Article 5155 of Title 83, Chapter 3, of the Revised Civil Statutes of Texas, 1925, as amended by Section 1, Chapter 217, House Bill No. 722, Acts of the Regular Session of the Forty-third Legislature, so as to provide state employees shall be paid as often as semi-monthly; etc.; and declaring an emergency."

H. B. No. 229, A bill to be entitled "An Act providing that any officer, agent, employee or servant of the State of Texas or any officers, agent, employee or servant of any political sub-division of the State of Texas, who is, by law, entitled to arrest upon public highways of this State for violations of traffic and other safety laws, shall be required to have certain information lettered upon the side of his car or other vehicle; etc.; and declaring an emergency."

H. B. No. 287, A bill to be entitled "An Act amending Article 2843 of the Revised Civil Statutes of Texas,

of 1925, as amended; etc.; and declaring an emergency."

H. B. No. 328, A bill to be entitled "An Act amending Article 2700.1 of the Revised Civil Statutes of Texas of 1925, amended by Acts of 1941, Forty-seventh Legislature, H. B. No. 364, so as to henceforth provide that counties having a population of more than 125,000 according to the last Federal census may employ a competent assistant to the County Superintendent at an annual salary not to exceed Twenty-eight Hundred (\$2800.00) Dollars, and may also employ such other assistants as necessary provided the aggregate amount of the salaries of such other assistants shall not exceed Eighteen Hundred (\$1800.00) Dollars annually; etc.; and declaring an emergency."

H. B. No. 332, A bill to be entitled "An Act to amend Article 5997 of the Revised Civil Statutes of Texas, Revision of 1925; etc.; and declaring an emergency."

H. B. No. 341, A bill to be entitled "An Act to amend Section 20 of S. B. No. 36, Acts of the Regular Session of the Forty-sixth Legislature, as amended by Section 1 of H. B. No. 611, Chapter 562, Acts of the Regular Session of the Forty-seventh Legislature, so as to further define eligibility requirements for Old Age Assistance; etc.; and declaring an emergency."

H. B. No. 391, A bill to be entitled "An Act to establish coordinated county child welfare advisory councils for the purpose of assisting and advising local judicial, administrative, and educational authorities in preventing increase of juvenile delinquency and solving the child welfare problem in each county in the State; etc.; and declaring an emergency."

H. B. No. 456, A bill to be entitled "An Act making an appropriation to pay judgment against the State of Texas in Cause No. 7417; etc.; and declaring an emergency."

H. B. No. 467, A bill to be entitled "An Act amending Article 5017 of the Revised Civil Statutes of Texas, 1925, as continued or amended by Acts 1929, Forty-first Legislature, First Called Session, p. 32, Ch. 11, Sec. 1, providing severability; etc.; and declaring an emergency."

H. B. No. 468, A bill to be entitled "An Act amending Article 5017d of the Revised Civil Statutes of Texas,

as added by Acts 1929, Forty-first Legislature, First Called Session, p. 32, Ch. 11, Sec. 1; etc.; and declaring an emergency."

H. B. No. 470, A bill to be entitled "An Act amending the provisions of Article 4686 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1933, Forty-third Legislature, p. 420, Chapter 164; etc.; and declaring an emergency."

H. B. No. 489, A bill to be entitled "An Act amending Section 12, Chapter 271, General Laws of Forty-second Legislature, Regular Session, providing for a filing fee of Five Dollars to accompany each mineral prospect permit application; etc.; and declaring an emergency."

H. B. No. 503, A bill to be entitled "An Act to reorganize the 7th Judicial District of the State of Texas and the Special District Court of Smith County, Texas, and to make the latter court a permanent Court to include Smith County, Texas, under the title of the 128th Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 514, A bill to be entitled "An Act making an appropriation of Four Hundred and Fifty-two Dollars and Sixty Cents (\$452.60) from the Permanent School Fund for the purpose of reimbursing certain filing fees; etc.; and declaring an emergency."

H. B. No. 527, A bill to be entitled "An Act authorizing certain Counties to pay costs of repairs of improvements upon, and costs of recovery of possession of, school lands owned by such counties, pursuant to Section 6 and 6a of Article 7 of the State Constitution; etc.; and declaring an emergency."

H. B. No. 543, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas of the sum of Fifteen Thousand (\$15,000.00) Dollars not otherwise appropriated to cover the payment of taxes on State Prison Farm Lands located in Madison County now due and unpaid, by the State of Texas to said County and to the Independent School District in which said lands are located, for the years 1930 to 1942 inclusive, and to become due for the years 1943 and 1944; etc.; and declaring an emergency."

H. B. No. 559, A bill to be entitled "An Act providing for the Texas

Hospital and Training School for Wayward Girls; etc.; and declaring an emergency."

H. B. No. 565, A bill to be entitled "An Act making an appropriation to be paid out of the General Revenue Fund of the State of Texas of the sum of Twenty-five Thousand Dollars (\$25,000.00), not otherwise appropriated to cover the payment of taxes on State Prison Farm lands located in Fort Bend and Brazoria Counties by the State of Texas to said Counties and to the Independent School Districts in which said lands are located, to become due for the years 1943 and 1944, authorizing payment of said taxes by the Comptroller of Public Accounts upon proper statements; etc.; and declaring an emergency."

H. B. No. 585, A bill to be entitled "An Act for the purpose of reconciling and making uniform the provisions of 'Title 94, Militia' of the Revised Civil Statutes of Texas, 1925, as amended, with Texas Defense Guard Act 1941 (Chapter 9, General and Special Laws of the State of Texas passed by the Regular Session of the Forty-seventh Legislature) by repealing Article 5839 of the said Statutes and Section 3 and 9 of the said Defense Guard Act and amending Articles 5765 and 5838 of the said Statutes and Sections 1, 2, 10, 11 and 12 of said Defense Guard Act so as to stipulate that the Defense Guard, as well as the National Guard, is a component of the Military Forces and of the Active Militia of Texas; etc.; and declaring an emergency."

H. B. No. 676, A bill to be entitled "An Act to amend Section 3, Acts 1931, Forty-second Legislature, page 783, Chapter 314, providing for the annual payment from the income of any utility operated by any city or town, including home rule cities, of moneys in lieu of school taxes to any school district situated in any such city or town; etc.; and declaring an emergency."

H. B. No. 705, A bill to be entitled "An Act providing a closed season for fishing or attempting to take or catch fish in Uvalde County, providing a penalty for violation of this Act, repealing conflicting laws; etc.; and declaring an emergency."

H. B. No. 729, A bill to be entitled "An Act creating the Galveston County Conservation and Reclamation

District; etc.; and declaring an emergency."

H. B. No. 649, A bill to be entitled "An Act authorizing the Texas Highway Commission to exchange; etc.; and declaring an emergency."

H. B. No. 730, A bill to be entitled "An Act granting permission to J. R. Williamson to bring suit against the State of Texas and/or Highway Department of Texas in a court of competent jurisdiction in Callahan County, Texas, for damages alleged to have been sustained by him as a result of the loss of crops and damages to 16 acres of land located in Callahan County, Texas, out of the North one-half of Block Number 93, a subdivision of Comal County School land, Survey Number 181 adjacent to and immediately North, Northeast and East of State Highway Number 36 in Callahan County, Texas, as a result of the failure of the State Highway Department to properly drain said land while constructing State Highway Number 36, known as the Abilene Cross Plains Highway and running from the City of Abilene in Taylor County, Texas, to the City of Cross Plains in Callahan County, Texas; etc.; and declaring an emergency."

H. B. No. 731, A bill to be entitled "An Act suspending the operation of H. B. No. 504, Chapter 116, Acts of the Forty-seventh Legislature, Regular Session, until the first day of the first January after the cessation of hostilities of the present war; etc.; and declaring an emergency."

H. B. No. 735, A bill to be entitled "An Act amending Article 322 of the Revised Civil Statutes of Texas, as amended by the Forty-third Legislature; etc.; and declaring an emergency."

H. B. No. 736, A bill to be entitled "An Act amending Article 1646 of the Revised Civil Statutes of Texas, as amended by Acts 1929, Forty-first Legislature, page 687, Chapter 308, Section 1; etc.; and declaring an emergency."

H. B. No. 740, A bill to be entitled "An Act permitting insurance carriers organized and licensed under the laws of the Republic of Mexico, or any State thereof, to underwrite in the State of Texas automobile coverage, accident and other insurance

risks upon persons and personal property while in the Republic of Mexico, prescribing the conditions to be complied with to enjoy such privileges; etc.; and declaring an emergency."

H. B. No. 742, A bill to be entitled "An Act amending Article 7005 of the Revised Civil Statutes of Texas, 1925, as amended by Acts of 1937, Forty-fifth Legislature, Regular Session, H. B. No. 91, including the County of Cameron in the list of counties exempted from the provisions of Title 121, Revised Civil Statutes of Texas, 1925 and all laws regulating the inspection of hides and animals."

H. B. No. 744, A bill to be entitled "An Act amending Section 4 of H. B. No. 961, Chapter 458, Acts of the Forty-seventh Legislature, Regular Session, 1941, authorizing the Commissioners' Court of Dallas County to allow the County Judge, County Auditor, and County Commissioners necessary traveling expenses when traveling on official county business in connection with the public roads and highways of Dallas County, providing for payment thereof out of the road and bridge fund of Dallas County upon order of the commissioners' court, and providing that traveling expenses for out-of-state trips by said officers shall be allowed only when such trips are authorized in advance by order of the commissioners' court stating the nature of the official county business to be transacted without the State and expressly declaring each such out-of-state trip to be necessary for the maintenance of the public roads and highways of Dallas County; etc.; and declaring an emergency."

H. B. No. 745, A bill to be entitled "An Act for the purpose of better conserving the marine resources of this State by providing certain regulations and restrictions in regard to the tidal waters of Aransas County for the duration of the war; etc.; and declaring an emergency."

H. B. No. 746, A bill to be entitled "An Act authorizing any political subdivision of this State to invest balances remaining in their accounts at the end of any fiscal year in Defense Bonds or other obligations of the United States of America; etc.; and declaring an emergency."

H. B. No. 747, A bill to be entitled "An Act providing that no teacher

shall be certified to teach in the public schools of Texas after the effective date of this Act until he has either taken an examination on the Constitution of the United States and Texas or has to his credit six (6) hours studying a government course covering the subject matter of Constitution or histories of the State of Texas or the United States of America; etc.; and declaring an emergency."

H. B. No. 750, A bill to be entitled "An Act providing for the apportionment of the payment of expenses and salaries of the official court reporters in all judicial districts having more than one county; etc.; and declaring an emergency."

H. B. No. 754, A bill to be entitled "An Act to authorize and validate all payments made under any contract by any city or town in lieu of ad valorem taxes previously paid by the private owners of the plants and systems enumerated in Article 1113, Revised Civil Statutes of Texas, as amended, but not due at the time of such payment; etc.; and declaring an emergency."

H. B. No. 755, A bill to be entitled "An Act providing for special fire fighting equipment in all counties having a population of three hundred and fifty thousand (350,000) or more according to the last preceding Federal Census; etc.; and declaring an emergency."

H. B. No. 427, A bill to be entitled "An Act amending Article 7258a, Chapter 8, Title 122 of the Revised Civil Statutes of Texas so as to provide that the said Article shall apply to all counties in the State and to provide that the tax certificates shall be conclusive only as to bona fide purchasers and/or lien holders."

H. B. No. 728, A bill to be entitled "An Act providing that any incorporated city, town or village in this State incorporated under the General Laws may vote upon the question of adopting a city-manager plan of government as further provided; etc.; and declaring an emergency."

H. B. No. 707, A bill to be entitled "An Act to amend Article 2250, Revised Civil Statutes of Texas, 1925 by including therein the right of appeal from interlocutory orders of county courts appointing receivers or trustees and interlocutory orders of

county courts overruling motions to vacate orders appointing receivers or trustees; and declaring an emergency."

H. B. No. 482, A bill to be entitled "An Act amending Article 4201, Chapter 8, Title 69, Revised Civil Statutes of Texas, 1925, as amended by Section 1, of S. B. No. 336, Chapter 84, Acts of the Forty-fourth Legislature, 1935, relative to the sale of real estate by guardians and prescribing the terms of sale and requisites of orders directing the sale of real estate and requiring bond; etc.; and declaring an emergency."

H. B. No. 520, A bill to be entitled "An Act to amend Section 4 of Article 7150, Chapter 6, Title 122, of the Revised Civil Statutes of 1925, by adding Section 4A providing that any political subdivision created by the Legislature under Article 16, Section 59, of the Constitution, which engages in the business of generating, manufacturing, selling, or distributing electricity, shall assess and pay taxes on all of its real and personal property the same as if owned by a private person; etc.; and declaring an emergency."

H. B. No. 521, A bill to be entitled "An Act to amend Article 3891, Revised Civil Statutes of Texas, as amended, to provide that county officers in counties containing twenty-five thousand (25,000) inhabitants or less, shall retain excess fees which will amount to, together with the amount specified in Article 3883, the sum of Thirty-five Hundred (\$3500.00) Dollars, and one-fourth (1/4) of additional excess fees not to exceed a total of Forty-two Hundred and Fifty (\$4,250.00) Dollars; etc.; and declaring an emergency."

H. B. No. 751, A bill to be entitled "An Act authorizing any city or town, in any county of this State having a population of more than 350,000 inhabitants, regardless of how incorporated, to acquire by gift, purchase, condemnation or otherwise separately or jointly with any other city, town, cities, towns or other city, town, cities, towns and county, within which such municipality is situated, property within or outside of such city, town, cities and towns for public purposes; etc.; and declaring an emergency."

H. C. R. No. 127, Granting Mr. H. P. Guerra, Sr., permission to bring suit against the State of Texas.

H. B. No. 96, "Placing additional duties on the State Board of Education and the Text Book Committee."

H. B. No. 677, "To reduce the annual occupation tax on auctioneers in Texas."

H. B. No. 685, "Relating to fees collected for employment."

H. B. No. 749, "A game law for McMullen County."

S. B. No. 333, A bill to be entitled "An Act fixing appropriations for educational institutions of higher learning, and declaring the policy thereof; prescribing certain rules and regulations to be followed; etc.; and declaring an emergency."  
(With amendments.)

Respectfully submitted,

CLARENCE JONES,  
Chief Clerk, House of Representatives.

(Senator Lovelady in the Chair.)

#### Conference Committee on Senate Bill 333

Senator Lanning called S. B. No. 333 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Lanning moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

#### Senate Bill 281 with House Amendments

Senator Sulak called S. B. No. 281 from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Sulak moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

(President in the Chair.)

#### Committee Substitute House Bill 176 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.H.B. No. 176, A bill to be entitled "An Act providing a more efficient public school system in Texas [making appropriations for rural aid, etc.]; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

(Senator Lovelady in the Chair.)

Senator Bullock offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 176, Article 6, by striking out the words "school plants", line eleven (11) and adding after the word "aid" in line 12 the words "through the superintendents office and the depository banks" and by striking out the words and figures "twenty-four (24)" wherever they appear and inserting in lieu thereof the words and figures "sixteen (16)."

BULLOCK,  
LOVELADY.

Senator Stone offered the following amendment to the amendment:

Amend the Bullock amendment to H. B. No. 176 by striking out the words and figures "sixteen (16)" and

by inserting in lieu thereof the words and figures "twelve (12)".

The amendment to the amendment was adopted.

Senator Aikin moved to table the amendment as amended.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—8

Aikin	Jones
Beck	Moffett
Brownlee	Ramsey
Chadick	Vick

## Nays—16

Bullock	Metcalfe
Cotten	Moore
Hazlewood	Morris
Lane	Stone
Lanning	Sulak
Lovelady	Weinert
Martin	Winfield
Mauritz	York

## Absent

Graves

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The amendment as amended was adopted by the following vote:

## Yeas—16

Bullock	Metcalfe
Cotten	Moore
Hazlewood	Morris
Lane	Stone
Lanning	Sulak
Lovelady	Weinert
Martin	Winfield
Mauritz	York

## Nays—8

Aikin	Jones
Beck	Moffett
Brownlee	Ramsey
Chadick	Vick

## Absent

Graves

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

Senator York offered the following amendment to the bill:

Amend Committee Substitute for S. B. 37 Page 7, Art. 5, Sec. 1, line 15, by changing the words and figures "Two (\$2.00) Dollars" to "Two Dollars and Fifty Cents (\$2.50)", and in line 17, Sec. 1, page 7, Art. 5 by changing the words and figures "One Dollar and Fifty Cents (\$1.50)" to "Two Dollars (\$2.00)", and by changing the words and figures, page 8, Art. 5, Sec. 1, line 9 from "Two Dollars (\$2.00)" to "Two Dollars and Fifty Cents (\$2.50)" and by changing the words and figures in line 11, page 8, Sec. 1, Art. 5 from "One Dollar and Fifty Cents (\$1.50)" to "Two Dollars (\$2.00)".

YORK,  
SULAK.

The amendment was lost.

Senator Winfield offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 176 by striking out in Section 2, Article 1, Page 2 of the mimeographed copy Lines 10 to 12, which read as follows:

"Provided that no local funds may be used to increase teachers' salaries directly or indirectly above the salary schedule provided for in this Act."

Senator Morris moved to table the amendment.

Yeas and nays were demanded and the motion to table was lost by the following vote:

## Yeas—9

Chadick	Moore
Cotten	Morris
Lanning	Ramsey
Martin	Weinert
Metcalfe	

## Nays—15

Aikin	Mauritz
Beck	Moffett
Brownlee	Stone
Bullock	Sulak
Graves	Vick
Hazlewood	Winfield
Jones	York
Lovelady	

## Absent

Lane

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears



Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—15

Aikin	Mauritz
Beck	Moffett
Brownlee	Stone
Bullock	Sulak
Graves	Vick
Hazlewood	Winfield
Jones	York
Lovelady	

## Nays—10

Chadick	Metcalf
Cotten	Moore
Lane	Morris
Lanning	Ramsey
Martin	Weinert

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

(President in the Chair.)

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 176, as substituted, page 4, lines 24, 25 and 26 of the mimeographed bill by striking out of said lines the following:

"unless such scholastics maintain an average daily attendance of sixty-five (65%) per cent in the district to which they are transferred"

Senator Aikin raised a point of order against consideration of the amendment, on the ground that it seeks to change a general law by a provision in a bill, the main purpose of which is to make an appropriation.

The President overruled the point of order.

Senator Aikin moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

## Yeas—11

Aikin	Jones
Beck	Lane
Brownlee	Moffett
Bullock	Morris
Chadick	Ramsey
Hazlewood	

## Nays—13

Cotten	Moore
Graves	Stone
Lanning	Sulak
Lovelady	Weinert
Martin	Winfield
Mauritz	York
Metcalf	

## Absent

Vick

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—12

Cotten	Metcalf
Graves	Moore
Lanning	Sulak
Lovelady	Weinert
Martin	Winfield
Mauritz	York

## Nays—11

Aikin	Jones
Beck	Lane
Brownlee	Moffett
Bullock	Morris
Chadick	Ramsey
Hazlewood	

## Absent

Stone

Vick

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

Senator Aikin offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 176 by striking out the words and figures "(\$4,350,000)" where they appear in line 3 of Section 2 page 17, and insert in lieu thereof the following: "\$5,050,000."

The amendment was adopted by the following vote:

## Yeas—19

Aikin	Brownlee
Beck	Bullock

Chadick	Martin
Cotten	Mauritz
Graves	Moffett
Hazlewood	Ramsey
Jones	Stone
Lane	Sulak
Lemens	Winfield
Lovelady	

## Nays—4

Metcalf	Morris
Moore	Weinert

## Absent

Vick	York
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## Absent—Excused

Fain	Lanning
Formby	Shivers
Kelley	Spears

Senator Winfield offered the following amendment to the bill:

Amend Committee Substitute for H. B. No. 176 by striking Article 11, Page 14 of the mimeographed bill and inserting in lieu thereof the following:

"Article 11. Federal Government Land Purchase and University Lands.

"In districts where there are located University owned lands and Federal owned lands, the State Superintendent shall allow such sum or sums of the monies allocated for salary aid which will replace the losses sustained by said location of University owned lands or Federal owned lands in the amount which such school districts could have received had such University owned lands or Federal owned lands been taxable for school purposes at the valuation assessed for school purposes regardless of need shown by the budget."

The amendment was lost.

Senator Stone offered the following amendment to the bill:

Amend C. S. H. B. No. 176 by adding the following in Section 1, Article 1, at the end of the first sentence of said Section immediately after the word "census" in line 19, page 1, of the mimeographed bill:

"and provided further that the maximum limitations as to scholastic population for eligibility herein set forth shall not apply for any type of aid to any school district wherein the number of enumerated scholastics has increased to more than 500 during the past two years because of the con-

struction of military or naval establishments or defense plants within said school district, or in close proximity thereto, provided said district can show budgetary need therefor."

STONE,  
BECK.

Senator Morris offered the following substitute for the amendment:

Amend Stone amendment by striking out the words and figures "500" wherever they appear, line 4, Section 1, page 1.

Yeas and nays were demanded, and the substitute was adopted by the following vote:

## Yeas—13

Chadick	Moffett
Cotten	Moore
Lane	Morris
Lanning	Ramsey
Lovelady	Vick
Mauritz	Weinert
Metcalf	

## Nays—10

Aikin	Hazlewood
Beck	Jones
Brownlee	Martin
Bullock	Stone
Graves	Winfield

## Absent

Sulak	York
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## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

On motion of Senator Lanning the amendment as substituted, was tabled.

Senator Lovelady offered the following amendment to the bill:

Amend H. B. No. 176, page 8 of the mimeographed copy, Article 5, Section 1 by striking out the following words in said section:

"Provided that transportation aid of One (\$1.00) Dollar per month per pupil transported more than two and one-half (2½) miles shall be paid to all school districts that contain nine hundred (900) square miles or more of territory and that operate twenty-five (25) or more buses and that levy a tax of One and 50/100 (\$1.50) Dollars on each One Hundred (\$100.00) Dollars of valuation."

Senator Moffett moved the previous question on the amendment and the bill, and the motion was not seconded.

Yeas and nays were demanded, and the amendment was adopted by the following vote:

## Yeas—16

Beck	Metcalf
Cotten	Moore
Graves	Morris
Hazlewood	Ramsey
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Mauritz	York

## Nays—9

Aikin	Martin
Brownlee	Moffett
Bullock	Stone
Chadick	Winfield
Jones	

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

Senator Bullock moved to reconsider the vote by which the amendment by Senator Aikin, increasing the amount in line 3, Section 2, page 17 of the bill from "\$4,350,000" to "\$5,050,000," was adopted.

The motion to reconsider prevailed.

## Record of Vote

Senator Sulak asked to be recorded as voting "nay" on the motion to reconsider.

Question then recurring on the amendment of Senator Aikin, it was adopted by the following vote:

## Yeas—15

Aikin	Lane
Beck	Lovelady
Brownlee	Mauritz
Bullock	Moffett
Chadick	Ramsey
Cotten	Sulak
Hazlewood	York
Jones	

## Nays—10

Graves	Morris
Lanning	Stone
Martin	Vick
Metcalf	Weinert
Moore	Winfield

## Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

Senator Moffett moved the previous question on passage of the bill to third reading, and the motion was not seconded.

Question—Shall the bill be passed to third reading?

## Bills Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

S. B. No. 61, A bill to be entitled "An Act to amend Sections 7, 9, 30, 32, 38, 40, 49, 73, and 76 of S. B. No. 111, passed at the Second Called Session of the Forty-first Legislature, and known as Chapter 61, page 100, of the General Laws passed by the Second Called Session of the Forty-first Legislature, as any of said Sections may have been amended; etc.; and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act adding to Chapter 7 of Title 78 of the Revised Civil Statutes of Texas, 1925, an Article to be known as Article 4819a of such statutes; etc.; and declaring an emergency."

S. B. No. 301, A bill to be entitled "An Act amending and supplementing Article 5017e of the Revised Civil Statutes of Texas, as added by Acts 1929, Forty-first Legislature, First Called Session, page 32, Chapter 11, Section 1, by adding thereto a provision that if the assets of a Lloyd's Association under joint control of its Attorney-in-Fact and the Board of Insurance Commissioners be placed with a custodian selected and employed by such Board, such Lloyds shall pay a reasonable fee for such custodian's services, to be fixed by such Board, not exceeding \$100 per annum; providing severability; and declaring an emergency."

H. B. No. 713, A bill to be entitled "An Act prohibiting the transportation outside of the boundaries of any county of minnows in excess of five hundred (500) etc.; and declaring an emergency."

H. B. No. 8, A bill to be entitled "An Act further regulating the sale and consumption of alcoholic beverages by amending Article I, Chapter 467, Acts of the Second Called Session of the Forty-fourth Legislature; etc.; and declaring an emergency."

H. B. No. 326, A bill to be entitled "An Act amending Section 1, of Chapter 101, S. B. No. 41, Acts of the Regular Session of the Forty-second Legislature, as amended by Section 1, of Chapter 610, Acts of the Regular Session of the Forty-seventh Legislature, so as to make available group life insurance to employees of school districts in the State of Texas; etc.; and declaring an emergency."

H. B. No. 681, A bill to be entitled "An Act prohibiting the use of any seine or net for taking fish from the waters of the Sulphur River of Bowie and Red River Counties, except a seine or net of not less than two inch square mesh; etc.; and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act validating, ratifying, confirming and legalizing all proceedings had by cities and towns in the State of Texas having a population of not more than three thousand (3,000) according to the preceding Federal Census, in submitting to the qualified voters, during the year 1941, the question of issuing of revenue bonds under the provisions of Articles 1111 to 1118, Revised Civil Statutes of Texas 1925, as amended; etc.; and declaring an emergency."

H. B. No. 318, A bill to be entitled "An Act to amend Section 5 of H. B. No. 5, Acts of the Regular Session of the Forty-seventh Legislature, providing for certain provisions to be inserted in industrial life insurance policies; etc.; and declaring an emergency."

H. B. No. 608, A bill to be entitled "An Act repealing Article 725b, Vernon's Civil Statutes supplemented, 1939, same being Section 3, Title 12, Chapter 3, as amended by Acts 1937, Forty-fifth Legislature, Second Called Session; etc.; and declaring an emergency."

H. B. No. 473, A bill to be entitled "An Act making specific appropriation of \$200.00 or so much thereof as may be necessary out of the State Highway Fund in the State Treasury, not otherwise appropriated, to pay certain judgment obtained by W. F. Howell, against the State of Texas, as rendered on the 21st day of November, A. D. 1941, in the District Court of Parker County, Texas, in Cause No. 9935, wherein W. F. Howell is plaintiff, to whom prior permission

had been granted to bring such suit, and the State of Texas and the State Highway Commission of Texas, are defendants, for the principal sum of \$150.00 with interest at the legal rate of six per centum per annum from the date of said judgment until paid; such judgment being rendered for damages done to W. F. Howell's land in Parker County, Texas, by reason of rebuilding of United States Highway No. 80, State Highway No. 1; etc.; and declaring an emergency."

H. B. No. 683, A bill to be entitled "An Act to amend Subsection 71 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the 71st District Court in Harrison and Gregg Counties, constituting the Seventy-first Judicial District of Texas; etc.; and declaring an emergency."

H. B. No. 434, A bill to be entitled "An Act validating the annexation to the Harper Independent School District of Gillespie County, Texas, certain lands and area from the James River School District No. 15 of Kimble County; etc.; and declaring an emergency."

H. B. No. 343, A bill to be entitled "An Act amending Article 4590-a, Chapter 14, Title 71 of the Revised Civil Statutes of Texas, 1925, as amended, by amending Sections 3 and 13 of said Article; providing for the regulation of expenses of non-profit corporations furnishing hospital care to their members, with limitations; providing for the investment of funds of said corporations; providing for supervision by the Insurance Commission; providing for necessary expenses of directors; repealing laws in conflict; and declaring an emergency."

#### Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,  
May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence to whom was referred S. B. 157, have had the same under consideration, and we wish to report it back to the Senate with the

recommendation that it do pass and be not printed.

STONE, Chairman.

Committee Room,  
Austin, Texas  
May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office to whom was referred H. C. R. No. 52, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Chairman.

#### House Bill 250 on Second Reading

On motion of Senator Moore, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 250, A bill to be entitled "An Act creating a Municipal Pension System in cities of over 385,000; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

#### House Bill 250 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 250 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York
Martin	

Absent—Excused

Fain	Lemens
Formby	Shivers
Kelley	Spears

#### Report of Special Committee

##### Selection of Poet Laureate

Senator Vick, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 27, 1943.

Hon. John Lee Smith, President of the Senate.

Hon. Price Daniel, Speaker of the House.

Sirs: In accordance with the provisions of House Concurrent Resolution No. 51, a committee was appointed to name and designate some outstanding and recognized poet who is a citizen of Texas and who shall be Poet Laureate of the State of Texas for a period of two years from such appointment and designation; said Committee has held a meeting with the Governor as provided in said Resolution, and after careful consideration of all persons nominated for this position, the Committee selected Dollilee Davis Smith of Cleburne, Texas.

Respectfully submitted,

VICK,  
LOVELADY,  
MAURITZ,

On the part of the Senate;

GANDY,  
BELL of Bexar,  
CHAMBERS,

On the part of the House.

APPROVED:

April 27, 1943.

COKE R. STEVENSON,

Governor.

### Committee Substitute Senate Bill 354 on Second Reading

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.B. No. 354, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Revenue Fund, or such other funds as may be designated herein for each item, not otherwise appropriated; providing that before payment of any claims shall be paid from the funds hereby appropriated the same shall have the approval of the State Comptroller and the Attorney General; and provided further that any claim involving the refund of a franchise tax shall also carry the approval of the Secretary of State in addition to the other officials herein named; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Lanning offered the following amendment to the bill:

Amend by adding: "W. F. Hale—\$1100.00."

The amendment was adopted.

Senator Ramsey offered the following amendment to the bill:

Amend S. B. No. 354, page 2, after line 55, add the following:

"To pay Angelina County Lumber Company, Keltys, Texas, refund on Franchise Taxes erroneously collected \$83.10."

and to change the total in line 57 to include such amount.

The amendment was adopted.

Senator Bullock offered the following amendment to the bill:

Amend bill by adding "\$4,183.16 to pay H. O. Wooten."

The amendment was adopted.

Question—Shall the bill be passed to engrossment?

### House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time, and referred to the committees indicated:

H. B. No. 209, to Committee on State Affairs.

H. B. No. 427, to Committee on State Affairs.

H. B. No. 527, to Committee on State Affairs.

H. B. No. 677, to Committee on State Affairs.

H. B. No. 470, to Committee on Insurance.

H. B. No. 391, to Committee on Civil Jurisprudence.

H. B. No. 341, to Committee on Civil Jurisprudence.

H. B. No. 332, to Committee on Civil Jurisprudence.

H. B. No. 328, to Committee on Education.

H. B. No. 482, to Committee on Civil Jurisprudence.

H. B. No. 68, to Committee on State Affairs.

H. B. No. 96, to Committee on Education.

H. B. No. 111, to Committee on Counties.

H. B. No. 141, to Committee on Public Lands.

H. B. No. 489, to Committee on Public Lands.

H. B. No. 468, to Committee on Insurance.

H. B. No. 467, to Committee on Insurance.

H. B. No. 456, to Committee on Finance.

H. B. No. 310, to Committee on Oil, Gas and Conservation.

H. B. No. 676, to Committee on State Affairs.

H. B. No. 520, to Committee on State Affairs.

H. B. No. 514, to Committee on Finance.

H. B. No. 521, to Committee on Counties.

H. B. No. 685, to Committee on Labor.

H. B. No. 229, to Committee on Highways and Motor Traffic.

H. B. No. 199, to Committee on Finance.

H. B. No. 287, to Committee on Education.

H. B. No. 503, to Committee on Judicial Districts.

H. B. No. 755, to Committee on Counties.

H. B. No. 751, to Committee on Towns and City Corporations.

H. B. No. 754, to Committee on State Affairs.

H. B. No. 744, to Committee on Counties.

H. B. No. 745, to Committee on Game and Fish.

H. B. No. 746, to Committee on State Affairs.

H. B. No. 543, to Committee on Finance.

H. B. No. 649, to Committee on Highways and Motor Traffic.

H. B. No. 559, to Committee on State Institutions and Departments.

H. B. No. 585, to Committee on Military Affairs.

H. B. No. 565, to Committee on Finance.

H. B. No. 749, to Committee on Game and Fish.

H. B. No. 750, to Committee on Judicial Districts.

H. B. No. 728, to Committee on Towns and City Corporations.

H. B. No. 707, to Committee on Civil Jurisprudence.

H. B. No. 747, to Committee on Education.

H. B. No. 705, to Committee on Game and Fish.

#### **Reference of House Concurrent Resolution 127**

The following resolution received from the House today, was laid before the Senate, read first time, and referred to committee indicated:

H. C. R. No. 127, to Committee on State Affairs.

#### **Recess**

On motion of Senator Ramsey, the Senate, at 5:40 o'clock p. m., took recess until 10:00 o'clock a. m. tomorrow.

#### **APPENDIX**

#### **Communication**

April 28, 1943.

Honorable Clay Cotten  
Senate Chamber  
Austin, Texas

Dear Senator:

We wish to express our sincere appreciation to you and through you to the Senate of Texas for the lovely tribute paid Judy.

The expressions contained in the resolution are very beautiful and brought comfort to our saddened hearts.

We thank you for your thoughtfulness and wish for each of you continued success and happiness.

Sincerely yours

LILLIAN BARKER JONES  
and  
EDNA LEE JONES.

**In Memory of**  
**Charles W. Staley, Jr.**

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(Senate Resolution 93)

Senator Moffett offered the following resolution:

Whereas, Texas has furnished many individual heroes and will surely continue to supply leaders, and many courageous youths who will carry forward our share in bringing to a successful conclusion the current struggle for the preservation of civilization; and

Whereas, One of the bright stars who recently lost his life to further our cause was Charles W. Staley, Jr., of Wichita Falls, Texas, Sergeant-Pilot, in his Britannic Majesty's Royal Air Force, formerly an employee of the Senate of Texas, and as nearly as can be determined at this time the first such employee to lose his life in the present World War; and

Whereas, Sergeant-Pilot Staley started flying in September, 1940, under the Civilian Pilot Training program in this country, and held a commercial pilot's rating at the time of his entry into the British Royal Air Force. He enlisted in the latter in November, 1941, for the purpose of, (quoting his words), "Keeping this war away from our front door." On the day before Pearl Harbor he reported for a refresher course (British) at Spartan Field, Tulsa, Oklahoma. He completed his work there on February 22, 1942, and went to Canada and sailed for the British Isles, March 19, 1942. Upon arrival in Great Britain he took more advanced training, periodically increasing the weight and speed of the planes in which he trained until July, 1942, he was assigned to an operational squadron of Hurricane Fighters. In the ensuing weeks he was engaged on constant patrol of the English and French coasts, often encountering and routing invading enemy planes. On the morning of September 22, 1942, at about 11:25 a. m., when the ceiling was less than five hundred feet his plane broke through the clouds above the airdrome at his station in a spiral dive, which was the ultimate cause of his death; and

Whereas, On the same morning that he was killed, he had received orders to report to London to receive his commission in the United States Army Air Corps, having previously completed all the negotiations for the transfer from the British Royal Air Force to the Army Air Corps of his native country; and

Whereas, This brave and patriotic son of Texas now lies buried at Annan Cemetery, Annan, Dunfriesshire, Scotland; and

Whereas, The British Air Ministry has shown every courtesy and consideration possible to the members of Sergeant-Pilot Charles W. Staley's family; and

Whereas, The parents, Mr. and Mrs. Charles W. Staley, Sr., of Wichita Falls, have received a letter from the King and Queen of the British Empire, paying tribute to an American "who came to their aid and rescue in a time of peril;" now, therefore, be it

Resolved, That when the Senate adjourns today it will do so in memory of this patriotic Texan and American, who gave his all "to keep this war away from our front door," and that a page of the Senate Journal be set aside in his honor and that a copy of this resolution be sent to the parents and sister of this splendid young man.

MOFFETT.

The resolution was read and was adopted unanimously.